

**BILL SUMMARY**  
1<sup>st</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB1236</b>
<b>Version:</b>	<b>CCS</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Rep. McCall/Sen. Treat</b>
<b>Date:</b>	<b>5/12/2021</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

**Research Analysis**

The Conference Committee Substitute for HB1236 removes the Senate amendment that created a revolving fund for the Office of the Attorney General designated the “State Reserved Powers Protection Unit Revolving Fund” and creates a new law stating that the legislature may review any federal executive order, federal agency rule or federal legislative action to determine constitutionality.

The Conference Committee Substitute for HB1236 adds monitoring and evaluating any action by the federal government including executive orders by the President of the United States, rules or regulations promulgated by an agency of the federal government or acts of Congress if such actions violate the Tenth Amendment to the duties of the Attorney General. The measure also creates a State Reserved Powers Protection Unit within the Office of the Attorney General to monitor and evaluate any action by the federal government to determine if such actions are in violation of the Tenth Amendment. If a review concludes infringement on the Tenth Amendment, the Attorney General shall determine whether the state should seek an exemption or seek to have the action declared unconstitutional. The measure also creates a new law stating that the legislature may review any federal executive order, federal agency rule or federal legislative action to determine constitutionality and whether the state should seek exemption from the action or seek to have it declared unconstitutional by a court of competent jurisdiction and prevent, prohibit, or enjoin enforcement. Upon recommendation from the Legislature, the Attorney General will review the action to determine constitutionality. If the Attorney General declines to pursue action, the Legislature may by majority vote initiate an action to seek an exemption or seek to have an action declared unconstitutional by a court of competent jurisdiction. The state, county, political subdivision or other publicly funded organization shall not implement, adopt or enforce any order, federal agency rule or congressional action declared unconstitutional by a court of competent jurisdiction.

Prepared By: Suzie Nahach

**Fiscal Analysis**

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

**Other Considerations**

None.

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